

Amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to limits on the hours of sale of alcoholic beverages.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That, effective July 1, 2003, Section 360.70 of the above-entitled ordinance be amended to read as follows:

360.70. Special late hours food license. (a) Any person operating under an on-sale liquor, wine or beer license who desires to remain open for the service of food later than the hours provided in section 364.100 and section 368.70 may apply to the city council for a special late hours food license. Application shall be made on a form provided by the division of licenses and consumer services, containing such information as the division deems necessary to verify that the conditions of this section have been met and to make a recommendation regarding the application. The annual fee for a special late hours food license shall be as established in Appendix J, License Fee Schedule.

(b) The number of special late hours food licenses at any time issued and outstanding shall not exceed fifty (50).

(c) No special late hours food license shall be issued unless the establishment complies at all times with the following conditions:

(1) The establishment shall be a banquet facility as defined in section 362.425(b) in which the meal service required by section 362.425(b) is actually available during the special hours of operation authorized under the license, or

(2) The establishment shall be a restaurant which:

(i) Meets the standards set forth in section 362.390 and the standards in section 362.395 relating to percentage of revenue derived from the sale of food and nonalcoholic beverages, and

(ii) Maintains a substantial menu available during special late hours which includes at least four entrees, sandwiches, or other principal food items, and

(iii) Keep its business open for at least eight (8) continuous hours daily except Sunday, twelve (12) months a year, not including any hours authorized by its special late hours food license.

(d) The city council may issue a special late hours food license subject to additional conditions including, but not limited to:

(1) Limitation on the special late hours of operation or the days of the week on which special late hours are authorized;

(2) Requirements concerning menu items;

(3) Requirements concerning staffing or security levels;

- (4) Any other requirement reasonably related to concerns of security, noise, litter, parking or traffic.
- (e) The city council may deny, revoke, suspend or refuse to renew a special late hours food license for any of the following reasons:
 - (1) The existence of special late hours disturbs the peace, quiet or repose of surrounding residential or commercial areas;
 - (2) The existence of special late hours contributes to crime, disorderly behavior, noise, traffic, litter or parking problems in the area near the establishment;
 - (3) Any violation of the laws relating to sale or service of alcoholic beverages;
 - (4) Any violation of the terms of this section;
 - (5) Any other good cause related to the operation of the establishment.
- (f) Nothing herein shall permit the operation of live entertainment, singing or dancing after 12:00 a.m. regardless of the class of on-sale license held by an establishment. The operation of live entertainment, singing, or dancing after 12:00 a.m. shall require a special late hours ~~entertainment~~ operation license under section 360.75.

Section 2. That, effective July 1, 2003, Section 363.40 of the above-entitled ordinance be amended to read as follows:

363.40. "On sale" licenses. (a) An "on sale" wine license may be issued only to a restaurant. No license shall be issued unless approved by the liquor control commissioner. No person licensed under this chapter shall sell wine except for consumption on the licensed premises only. No licensee shall sell or serve or permit to be served, sold or consumed on the premises named in the license any wine on any Sunday between the hours of 12:00 a.m. and 10:00 a.m.; nor on any other day between the hours of 12:00 a.m. and 8:00 a.m.; ~~nor between 8:00 p.m. on December 24 and 8:00 a.m. on December 25.~~

(b) Class A. A Class A "on sale" wine license shall permit all Class B, C, D and E activities, and in addition thereto shall permit dancing and entertainment, provided that the dance floor area shall not exceed two thousand (2,000) square feet. This entertainment shall include stage shows, skits, vaudeville, theater, contests, dancing by employees or agents of the licensee, including patron participation in any of the aforementioned, and all other forms of entertainment carried on in conformity with the law.

(c) Class B. A Class B "on sale" wine license shall permit all Class C, D, and E activities, and in addition thereto shall permit live music and singing without limitation as to the number of musicians or singers or the type of amplification. Dancing and singing by patrons of the establishment are permitted. Stage shows, skits, vaudeville, theater, contests, dancing by employees or agents of the licensee, and patron participation in any of the aforementioned, are prohibited.

(d) Class C. Class C licenses shall be comprised of Class C-1 and Class C-2. A Class C-1 "on sale" wine license shall permit all Class D and E activities and in addition shall permit amplified or nonamplified music by five (5) or fewer musicians and group singing participated in by patrons of the establishment. A Class C-2 "on sale" wine license shall permit all Class D and E activities, and in addition thereto shall permit amplified or

nonamplified music by three (3) or fewer musicians and group singing participated in by patrons of the establishment.

(e) Class D. A Class D "on sale" wine license shall permit all Class E activities, and in addition thereto shall permit nonamplified music by one musician, group singing participated in by patrons of the establishment, and ethnic dance, provided that such dance shall be performed only in conjunction with full-service restaurant dining for patrons seated at tables. "Ethnic dance" shall mean a traditional and authentic dance performance native to an ethnic cultural group, performed by dancers attired with fully opaque covering over genitals, pubic area, buttocks, and female breasts below the top of the areola. The maximum number of ethnic dancers shall be the same as the maximum number of musicians permitted by each license class.

(f) [Class E.] A Class E "on sale" wine license shall permit the sale of wine by the glass or bottle for consumption on the premises, and in addition thereto shall permit, as defined and when carried on in conformity with the ordinances of the city, the sale of food as a restaurant, and the use of radio, television, taped music and jukebox. All other devices producing musical sound are prohibited. No live entertainment or dancing shall be allowed.

Section 3. That, effective July 1, 2003, Section 364.80 of the above-entitled ordinance be amended to read as follows:

364.80. Hours, days regulated. (a) No on-sale of liquor may be made:

(1) Between ~~4~~2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday;
(2) After ~~4~~2:00 a.m. on Sundays, except with a valid Sunday sales license as provided in subsection (c).

(b) No off-sale of liquor may be made:

(1) On Sundays;
(2) Before 8:00 a.m. on Monday through Saturday;
(3) After 8:00 p.m. on Monday through Thursday and after 10:00 p.m. on Friday and Saturday, provided that an off-sale establishment may sell liquor until 10:00 p.m. on December 31 and July 3, and on the day preceding Thanksgiving Day, except when those days fall on Sunday;
(4) On Thanksgiving Day;
(5) On December 25; or
(6) After 8:00 p.m. on December 24.

(c) Sunday sales. Establishments to which "on sale" licenses have been issued or hereafter may be issued for the sale of intoxicating liquors which are hotels or restaurants and which have facilities for serving not less than fifty (50) guests at one time, may serve intoxicating liquors between the hours of 10:00 a.m. on Sundays and ~~4~~2:00 a.m. on Mondays in conjunction with the serving of food. It is unlawful for any such establishment, directly or indirectly, to sell or serve intoxicating liquors as provided in this subsection without having first obtained a special license therefor. Application for said special license shall be made to the council in the same manner as application is made for other licenses to sell intoxicating liquor.

Section 4. That, effective July 1, 2003, Section 364.85 of the above-entitled ordinance be amended to read as follows:

364.85. Consumption in on-sale liquor or wine premises; hours regulated. No person, including the licensee and his or her employees and agents, shall consume liquor or beer in any on-sale liquor or wine premises between ~~4:15~~ 2:30 a.m. and 8:00 a.m.

Section 5. That, effective July 1, 2003, Section 364.100 of the above-entitled ordinance be amended to read as follows:

364.100. "On sale" premises without special licenses to close certain hours. ~~(a) Except as provided in subsection (b),~~ Every room, place or premises where any liquor is permitted to be or is sold, including the cafe, restaurant or dining room operated in connection therewith, or as a part thereof, and in which such liquor is sold or served by the licensee thereof pursuant to an "on sale" license, shall be closed and kept closed to the public between the hours of ~~4:15~~ 2:30 a.m. and 5:00 a.m., unless the licensee is the ~~owner~~ ~~and~~ holder of a special late hours license provided for in sections 360.70, 360.75, and 360.80. During said hours, if the licensee is not the ~~owner~~ or holder of a special late hours license, no person shall be allowed to be or remain upon or within such room, place or premises for any purpose whatever, except that the owner or licensee, his or her agents, servants or employees may remain therein for the purpose only of cleaning, preparation of meals, necessary repairs or other work therein and in connection therewith, or as guards.

~~(b) — In the Central Commercial District, as defined in 360.10, all of the provisions of subsection (a) shall remain in effect except, until October 15, 2000, that persons not exempt by that subsection may remain on the licensed premises until 1:30 a.m. No alcoholic beverages may be consumed on such premises after 1:15 a.m.~~

Section 6. That, effective July 1, 2003, Section 368.60 of the above-entitled ordinance be amended to read as follows:

368.60. Hours generally. No "on sale" beer, or "off-sale" beer licensee shall sell or serve, or permit to be served, sold or consumed on the premises named in the license any beer on any Sunday between the hours of ~~12:00~~ 2:00 a.m. and 12:00 noon; nor on any other day between the hours of ~~12:00~~ 2:00 a.m. and 8:00 a.m.

Section 7. That, effective July 1, 2003, Section 368.70 of the above-entitled ordinance be amended to read as follows:

368.70. Premises without special license to close certain hours. ~~(a) Except as provided in subsection (b),~~ Every room, place or premises wherein beer is permitted to be or is sold, including the cafe, restaurant or dining room operated in connection therewith or as a part thereof, and in which such beer is sold or served by the licensee thereof pursuant to an "on sale" or "off sale" license, shall be closed and kept closed to the public between the hours of ~~4:15~~ 2:30 a.m. and 5:00 a.m. unless the licensee is the ~~owner~~ ~~and~~ holder of a special late hours license provided for in sections 360.70, 360.75, and 360.80. During

said hours, if the licensee is not the ~~owner or~~ holder of a special late hours license, no person or persons shall be allowed to be or remain upon or within such room, place or premises for any purpose whatever, except that the owner or licensee, his or her agents, servants or employees may remain therein for the purpose only of cleaning, preparation of meals, necessary repairs or other work therein and in connection therewith, or as guards.

~~(b) — In the Central Commercial District, as defined in 360.10, all of the provisions of subsection (a) shall remain in effect except, until October 15, 2000, that persons not exempt by that subsection may remain on the licensed premises until 1:30 a.m. No alcoholic beverages may be consumed on such premises after 1:15 a.m.~~

Section 8. That, effective July 1, 2003, Section 267.1390 of the above-entitled ordinance be amended to read as follows:

267.1390. Hours. No public dance shall continue or be held or conducted by anyone between the hours of ~~4~~2:00 a.m. and 6:00 a.m. of any weekday, nor between ~~4~~2:00 a.m. and noon on Sunday.

Section 9. That, effective July 1, 2003, Section 188.400 of the above-entitled ordinance be amended to read as follows:

188.400. Music restricted at certain hours. (a) No cafe, restaurant or other public eating place or any place furnishing food to the public, shall have in the licensed premises any music between ~~4~~2:00 a.m. and 8:00 a.m. This shall not prevent radio, television, jukebox or any other prerecorded music, provided it does not constitute a nuisance.

(b) Any violation of this section shall be grounds for revocation of all licenses held by the licensee of the premises where the violation occurs.